

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ARMON NAHAL,

Case No. 18-cv-631-DWF-KMM

Plaintiff,

v.

ALLINA HEALTH SYSTEM; KRISTI
GULLICKSON; KELLY MORITZ;
MATT KRESL; MATT WOLFF;
LEHLIA PASCHKE; SUSAN
SHORTER; JEN HANSON; and
ANNE STERN;

ORDER

Defendant.

This matter is before the Court on Armon Nahal's motion "to restore the pro se project." (ECF No. 33.) On May 16, 2018, the Court informed Mr. Nahal that although there is no right have the Court appoint a lawyer to assist him in a civil case such as this, the Minnesota Chapter of the Federal Bar Association's *Pro Se* Project operates a program of volunteer lawyers who donate their time to assist unrepresented individuals. (Letter from Menendez, M.J. to Pl. (May 16, 2018), ECF No. 17.) The Court's letter advised Mr. Nahal that the *Pro Se* Project Coordinator would attempt to put him in contact with a lawyer who could provide a general opinion regarding his claims; the lawyer might agree to represent a *pro se* litigant, but

there is no requirement that he or she do so. (*Id.*) After he received the letter, Mr. Nahal contacted the *Pro Se* Project to obtain such a referral.

Mr. Nahal's currently pending motion indicates that he was in the process of attempting to secure representation in this case from attorney Michael Healey when he received a voicemail from the *Pro Se* Project Coordinator. (ECF No. 33 at 1.) The Coordinator had attempted to put Mr. Nahal in touch with another attorney, Shawn Wanta, to discuss his case. (*See id.* at 1–2.) When Mr. Nahal “realized an attorney through [the] pro se project ha[d] agreed to take on [his] case for the federal lawsuit, on the same day after [his] meeting with Michael Healey Law,” he went to his bank and stopped payment on a check to Mr. Healey. (*Id.*)

Somewhere in the communication process, the *Pro Se* Project Coordinator clearly believed that Mr. Healey and Mr. Nahal had already worked out a representation agreement and attempted to confirm this with Mr. Healey. The Coordinator therefore asked Mr. Wanta to cancel his meeting and suspend further communication with Mr. Nahal until the Court could instruct the Coordinator how to proceed with the referral to the *Pro Se* Project. (*Id.*)

Mr. Nahal now asks the Court “to restore the pro se project, as it is my right as a tax paying U.S. citizen and I am qualified for the services.” (*Id.* at 2.) He explains that he has limited resources, cannot afford an attorney, and has family both here and in Iran who depend on him for financial help. (*Id.*)

To the extent Mr. Nahal asks the Court to require the *Pro Se* Project to make further efforts to refer him to a volunteer lawyer for consultation about his case, his motion is denied. As Mr. Nahal has been previously advised, the *Pro Se* Project attempts to coordinate meetings between volunteer lawyers and unrepresented parties, but there is no requirement that such an attorney agree to represent a litigant in a pending case. (May 16, 2018 Letter at 1.) The chief aim of the *Pro Se* Project is to ensure that an unrepresented party has at least had an opportunity to speak with a lawyer about his or her case. Mr. Nahal has clearly already had an opportunity to speak with Mr. Healey about his case and has almost certainly obtained “a general opinion on the merits of [his] claims and [been] offer[ed] . . . advice on how to proceed.” (*Id.*) Indeed, it appears that Mr. Nahal actually secured counsel by retaining Mr. Healey, though he then changed his mind. Because Mr. Nahal has already consulted with counsel no further referral from the *Pro Se* Project will be forthcoming.

Mr. Nahal notes in his recent communication with the Court that he is a “tax paying U.S. citizen,” suggesting that he therefore has a right to court-appointed counsel. Unfortunately for Mr. Nahal, there is no right to counsel in civil litigation. *See Davis v. Scott*, 94 F.3d 444 (8th Cir. 1996) (“Indigent civil litigants do not have a constitutional or statutory right to appointed counsel.”) (internal quotations omitted).

Date: July 5, 2018

s/ Katherine Menendez
Katherine Menendez
United States Magistrate Judge